

DETAILED ACTION

Election/Restrictions

Claims 1-24 and 48 are directed to an allowable product. Pursuant to the procedures set forth in MPEP § 821.04(B), claims 25, 28-33 and 36-47, directed to the process of using an allowable product, previously withdrawn from consideration as a result of a restriction requirement, are hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Because all claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, **the restriction requirement as set forth in the Office action mailed on 07 September 2007 is hereby withdrawn.** In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Allowable Subject Matter

Claims 1-25, 28-33 and 36-48 allowed.

With respect to independent claims 1, 9, 13, 22, 25 and 33, the prior art does not disclose, in the claimed environment, an organ holding apparatus and method

comprising the use of a portable housing that includes more than one lid, wherein each lid forms a substantially airtight seal and includes a pressure control valve. The Owen and Fahy references represent the state of the art regarding portable organ perfusion housings, however neither reference teaches the use of multiple lids each comprise an airtight seal. The Hassanein reference also discloses a similar organ treatment chamber in which first and second lids are used to close an opening at the top of the chamber. However, as indicated by Applicant, each lid does not independently seal form an airtight seal with the housing, but rather form a seal only when used in cooperation with a cannula plate and clamping ring.

Owen and Fahy also do not describe the use of a pressure control valve. While it is known in the art to utilize semi-permeable membranes to selective allow for the passage of a particular gas (see Barbera-Guillem), one of ordinary skill would not have been motivated or enabled to use this type of membrane as a pressure control valve configured to restrict the rate at which external pressure changes are transmitted to the inside of the Owen or Fahy portable housings.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NATHAN A. BOWERS whose telephone number is (571) 272-8613. The examiner can normally be reached on Monday-Friday 7 AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Marcheschi can be reached on (571) 272-1374. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William H. Beisner/
Primary Examiner, Art Unit 1797

/Nathan A Bowers/
Examiner, Art Unit 1797